

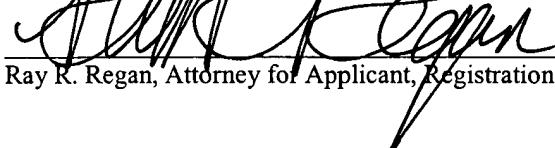
02-10-04

3644
Regan

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I hereby certify that this Reply pertaining to Application Number 10/616,609 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10, Express Mail Label No. EV233997880US, on the date subscribed, in an envelope addressed to Commissioner for Patents, MAIL STOP Reply to Office Action, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 9, 2004.

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Ray R. Regan, Attorney for Applicant, Registration No.36,899

15 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

John Stuart Greeson

Sole Inventor:

John Stuart Greeson

20

For:

Automated Carrier-Based Pest Control System

Attorney Docket Number:

2166.014CIP

25

Express Mail Label Number:

EV233997880US

Application Number:

10/616,609

30

Group Art Unit:

3644

Examiner:

Elizabeth A. Shaw

35 **REPLY TO OFFICE ACTION NUMBER 01
MAILED BY THE EXAMINER ON DECEMBER 24, 2003
AND REQUEST FOR RECONSIDERATION**

35

To: Commissioner for Patents
Mail Stop Reply to Office Action
40 P.O. Box 1450
Alexandria, Virginia 22313-1450

Introductory Comments

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In response to the Office Action dated December 24, 2003, having a statutory period for response of six months as provided in 35 U.S.C. §133 reduced by the Commissioner to three

months as provided in 37 C.F.R. § 1.136, a time set to expire on March 24, 2004, please enter this Reply and the attached Terminal Disclaimer in connection with the above-captioned patent application ("Application").

5 Other documents accompanying this paper include a Terminal Disclaimer signed by the sole inventor, together with the applicable government filing fee.

The Commissioner is hereby authorized to charge any additional fees in connection with this paper, and to credit any overpayments, to Deposit Account Number 501565 for the Law Office of Ray R. Regan, P.A.

10 No new matter has been added to the application because of any action taken in this Reply.

No amendments accompany this Reply.

Status of Prosecution

15 Applicant filed the original application on July 9, 2003. The Examiner mailed a first, non-final office action on December 24, 2003. This paper is in Reply to that office action.

Examiner's General Objections and Rejections

Claims 1 through 26 are pending. In the Office Action, the Examiner rejected no claims, but required Applicant to file a Terminal Disclaimer.

20 Applicant thanks the Examiner for the courtesy of a telephone interview on January 21, 2004. The Examiner's suggestions have been taken into account in preparing the accompanying Terminal Disclaimer. Specifically, on page 2 of the Office Action, the Examiner stated a rejection based on nonstatutory double patenting, citing as the basis for the argument U.S. Patent No. 6,651,589 B2 issued on November 25, 2003 to Greeson ("Earlier Patent.") The Examiner also indicated, however, that a timely filed terminal disclaimer would overcome the rejection. A Terminal Disclaimer signed by the sole inventor is enclosed with this Reply.

Conclusions

25 In conclusion, Applicant respectfully asserts that this Reply is complete as contemplated in 37 CFR §1.111, that claims 1-26 are patentable for the reasons set forth above, and that the Application is now in condition for allowance. Accordingly, Applicant respectfully requests an early notice of allowance. The Examiner is requested to call the undersigned at (505) 897-7200 for any reason that would advance the instant application to issue.

Applicant's attorney appreciates the courtesies extended by Examiner during the telephone interview.

Respectfully submitted,

LAW OFFICE OF RAY R. REGAN, P.A.

A handwritten signature in black ink, appearing to read "Ray R. Regan".

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